



**The Council of Parent Attorneys and Advocates, Inc.**

*A national voice for special education rights and advocacy*

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### **Parents Are Full And Equal Partners In The IEP Process**

Congress' has repeatedly found that "the education of children with disabilities can be made more effective by ... strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home." IDEA § 601(C)(5). Nonetheless, the Department of Education has diminished the role of parents through OSEP actions. These should be reversed.

- **Restore Appendix A to the Regulations, Providing Useful, Simple Interpretive Guidance to Parents, and Making Clear Parents are Equal IEP Team Members**

Appendix A to the 1999 regulations provided interpretive guidance that was of great assistance to parents. 34 C.F.R. § Pt. 300, App. A. In a simple Q&A format; it provided information about the role of parents whom it clearly stated were "equal" members of the IEP team; and answered questions about parental participation and other important issues. But Appendix A was eliminated from the 2006 regulations and the current Regulation commentary shifts the playing field in favor of school districts. Only when parents are equal partners in the process can children receive the educational benefits that Congress intended. In 1999, Appendix A had made clear that role and OSEP should issue similar guidance today.

- **Retract Letter to Mamas (2004) and Make Clear Parents' and Experts' Rights to Observe in the Classroom.**

Parents and their experts often need to observe the classroom. To fully participate as team members they should have the right to observe the child's education in progress, a proposed placement, whether accommodations and services are being provided, and other matters. For many years, they could. But in Letter to Mamas (2004), OSEP unilaterally impaired the right of parents and their experts to observe in the classroom, by declaring that IDEA does not stop school districts from barring observations. OSEP should adopt guidance rejecting the Mamas letter and stating that schools should provide access for reasonable observation periods of sufficient duration to effectively observe the program are permitted and encouraged by IDEA.

- **Reverse Commentary and Letters Impairing Parent's Right to Invite Related Services Professionals and Other IEP Team Members to IEP Meetings.**

IDEA, 20 U.S.C. § 1414(d)(1)(B)(vi) and the regulations, 30 C.F.R. § 300.321(a)(6) and (c) allow parents and school district--at their discretion--to include on the IEP team individuals with knowledge or special expertise about the child, "including related services personnel as appropriate." The decision is made by the party doing the inviting. But in the regulations commentary, the Department of Education unilaterally opined--without basis--that parents cannot to require other LEA employees not designated by the school to come to IEP meetings and that the school district can determine whether they will attend. 71 Fed. Reg. 46674. See also Letter to Anonymous (2003), Letter to Byrd (2003). OSEP should retract the commentary and letters, as contrary to the regulation and statute.